

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Magistrate Case No. 08MJ8329
11 Plaintiff,)
12 v.) FINDINGS OF FACT AND
13 Mariel Griselda RAMOS-Legg,) ORDER OF DETENTION
14 Defendant.)
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16 In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. § 3141 et seq.),
17 a detention hearing was held on April 16, 2008, to determine whether defendant Mariel Griselda
18 RAMOS-Legg should be held in custody pending trial on the grounds that she is a flight risk.
19 Assistant U. S. Attorney John F. Weis appeared on behalf of the United States. Diane Regan of Federal
20 Defenders of San Diego, Inc. appeared on behalf of the Defendant.

21 Based on the evidence proffered by the United States and the Defendant, the Pretrial Services
22 Officer, and the criminal complaint issued against the Defendant on April 16, 2008, by this Court, the
23 Court concludes that the following facts establish by a preponderance of the evidence that no condition
24 or combination of conditions will reasonably assure the appearance of the Defendant required.

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FINDINGS OF FACT3
A. Nature and Circumstances of the Offense Charged (18 U.S.C. §3142(G)(1)4
1. The Defendant is charged in Criminal Complaint No. 08MJ8329 with the
5 importation of 36.90 kilograms (81.18 pounds) of cocaine in violation of 21 U.S.C. § 952 and 960.
6 Therefore, probable cause exists to believe the Defendant committed the charged offense.7
2. The charged offense is an offense for which a maximum term of imprisonment of
8 10 years or more is prescribed in the Uniform Controlled Substances Act (21 U.S.C. § 801 et seq.). Thus,
9 there arises a presumption that no condition or combination of conditions will reasonably assure the
10 appearance of the Defendant as required. See 18 U.S.C. § 3142(e).11
3. The offense carries with it a minimum mandatory 10 year sentence and a maximum
12 life sentence. See 21 U.S.C. § 960(b)(1)(B). According to the United States Sentencing Guidelines,
13 the Base Offense level is 34. See USSG § 2D1.1(3). Assuming the Defendant's criminal history score
14 places her in Criminal History Category I, See USSG § 4A1.1, the sentencing range for the Defendant
15 is 151-188 months in prison.16
B. Weight of the Evidence Against the Defendant (18 U.S.C. § 3142(g)(2):17
1. On April 15, 2008, Defendant was the driver and registered owner of a 2007
18 Chrysler Cirrus, as she entered the United States from Mexico, at the Calexico, California, West Port
19 of Entry. During pre-primary inspection, a Narcotic Detector Dog alerted to the vehicle. The vehicle
20 was referred to vehicle secondary for further inspection. Again another Narcotic Detector Dog alerted
21 to the vehicle. A subsequent inspection of the vehicle revealed a total of 30 packages, with a total
22 weight of 36.90 kilograms (81.18 pounds) of cocaine.23
1. History and Characteristics of the Defendant (18 U.S.C. § 3142(G)(3):

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1. The Defendant is a citizen of Mexico.
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2. The Defendant resides with her daughter in Mexicali, Baja California, Mexico.
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3. The Defendant's parents reside in Mexicali, Baja California, Mexico.
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4. The Defendant has no legal right to remain or work in the United States, as she
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- 28 only possesses a Border Crossing Card.

D. Nature and Seriousness of Danger Posed by Release (18 U.S.C. § 3142(g)(4):

2 1. The government proffered no evidence to suggest that release of the Defendant
3 would pose a danger to any person or the community.

III

REASONS FOR DETENTION

6 A. There is probable cause to believe that the Defendant committed the offense charged in
7 the Criminal Complaint Number 08MJ8329, to wit: the importation of 36.90 kilograms (81.18 pounds)
8 of cocaine in violation of 21 U.S.C. § 952 and 960.

9 B. The Defendant faces a substantial period of time in custody if convicted of the offense
10 charged in the Complaint. She therefore has a strong motive to flee.

11 C. The Defendant has not rebutted the presumption, based upon the Court's findings that
12 there is probable cause to believe that the Defendant committed an offense for which a maximum term
13 of imprisonment of 10 years or more is prescribed in the Controlled Substances Act (21 U.S.C. § 801
14 et seq.), that no condition or combination of conditions will reasonably assure the appearance of the
15 Defendant at future court proceedings.

III

ORDER

18 IT IS HEREBY ORDERED that the Defendant be detained pending trial in this matter.

19 IT IS FURTHER ORDERED that the Defendant be committed to the custody of the Attorney
20 General or his designated representative for confinement in a corrections facility separate, to the extent
21 practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The
22 Defendant shall be afforded reasonable opportunity for private consultation with counsel.

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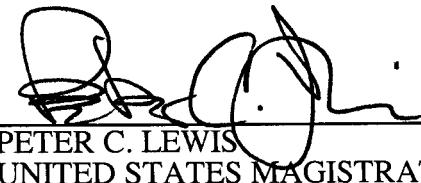
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1 While in custody, upon order of a court of the United States or upon the request of an attorney
2 for the United States, the person in charge of the correctional facility shall deliver the Defendant to the
3 United States Marshal for the purpose of an appearance in connection with a court proceeding or any
4 other appearance stipulated to by defense and government counsel.

5 THIS ORDER IS ENTERED WITHOUT PREJUDICE.

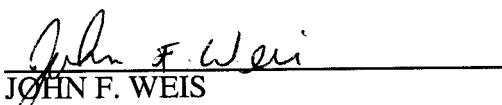
6 IT IS SO ORDERED.

7 DATED: 4-21-08.

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PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

11 Prepared by:

12 KAREN P. HEWITT
United States Attorney

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15 
JOHN F. WEIS
16 Assistant U. S. Attorney

17 cc: Diane Regan
 Federal Defenders of San Diego, Inc.

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